IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.3996/07
Rajendra Kumar Pareek Vs. State of Raj. & Ors.

25.09.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Rajendra Kumar Pareek-petitioner-present in person
Dr. Y.C. Sharma for respondents.

According to the petitioner he appeared in the LLB I Year Examination, 1986, but he failed and after successfully attempting the due papers, he ultimately passed in the due papers after more than two decades in the year 2007 whereas in between he passed II Year Examination of LLB in the year 2006. He appeared in LLB III Year in 1996 and thereafter did not appear in that examination in any year thereafter. When

however he applied for appearing in LLB III Year Examination (Old Scheme) in the year 2007, the respondents declined him permission which gave rise to the filing of this petition.

This Court while issuing notices on 25.5.2007 to the respondents directed the respondents to provisionally permit the petitioner to appear in the LLB III Year Examination (Old Scheme) scheduled to be commenced from 26.5.2007.

Dr. Y.C. Sharma, the learned counsel appearing for the respondent University has cited Ordinance 163(2) according to which “an ex-student for the LLB First/Second/Third year Examination shall be required to take the examination in the immediately following year and if he fails again or does not take the

examination, he will be given further two consecutive chances only to clear the examination".

According to the learned counsel for the respondents even though the petitioner he appeared in LLB III Year, 1996, but he failed to appear in any of the consecutive three years thereafter in 1997, 1998 and 1999. He has invited attention of the Court towards the decision taken by the Faculty of Law dated 22.12.2003 at Item No.35 whereby it was resolved to recommend that the students admitted to LLB Part II (Old Scheme) may be given 1+3 chances and those students who pass LLB Part II examination (Old Scheme) may be given admission to LLB Part-III (New Scheme) henceforth. This resolution has been

approved by academic counsel in its meeting held by Syndicate on 17.7.2004 at item no.59.

Dr. Y.C. Sharma, learned counsel for the respondent cited the copy of judgment dated 27.3.2006 passed in a similar case of Mujeerbur Rehman Vs. University of Rajasthan & Ors., S.B. Civil Writ Petition No.4362/05, last para of which reads as under:

> Learned counsel appearing on behalf of the University submits that in view of the fact that petitioner had appeared at the LLB IIIrd Year Examination in pursuance of the order dated 01.06.2005 of this court and even though he has not been regular student of the LLB IIIrd year New Scheme Course, it is submitted that the University would permit the petitioner to appear in the

IIIrd year LLB Examination for the year 2006 under the new scheme. This writ petition is therefore disposed of as submitted that the University will permit the petitioner to appear at the LLB IIIrd year Examination 2006 (New Scheme) even though the petitioner was not a regular student in view of the fact that the petitioner had appeared at the LLB IIIrd Year Examination of the old course which had been abolished under the direction of the court dated 01.06.2005 and was found to have passed the same but since the scheme is not available his result cannot be declared. The petitioner shall fill in necessary Examination Forms within two weeks which the learned counsel fur the University submits shall be accepted and the petitioner

permitted to appear for the LLB IIIrd year Examination (New Scheme).”

According to Ordinance 163(2), that the petitioner was required to have taken the examination in the immediately following years and his failure to take examination in those years, he was entitled to be given only two chances to clear the examination. Now because of the change of the scheme of the examination, particularly in view of the fact that petitioner was seeking to appear as an ex-student, he cannot be given any further chance to appear in LLB III Year Examination under the old scheme with the adoption of new scheme as per the guidelines provided by the Bar Council of India.

I am therefore inclined to concur

with the view taken by the co-ordinate bench in the case of Mujeerbur Tehman, supra and, therefore, deem it appropriate to direct that the petitioner would be entitled to admission in the LLB III Year and if he desires, he may apply for admission to LLB III Year examination in new scheme and in case he applies for admission, his application shall be dealt with in accordance with the law.

With the aforesaid observations, the writ petition is disposed of.

(Mohammad Rafiq),J.

Rs/-